

REMARKS

Claims 1-28 are pending in the application. Claims 1-13, previously withdrawn in response to a restriction requirement, have now been canceled. Claims 14 and 16 have been amended. New claims 29-34 have been added. Claims 14-34 remain in the application.

Claims 14-18, 20, 21, and 23-27 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,040,255 to Barber.

Claims 15, 22, and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,040,255 to Barber in view of U.S. Patent 6,760,940 to Gladney et al.

Claims 14 and 16 are directed to a mattress with an innercore that is placed inside an enclosure formed as a cavity. The bottom surface of the innercore is joined to the bottom panel of the cavity substantially only in a region proximate to the perimeter sidewall of the cavity, while a remaining portion of the bottom surface of the innercore is unattached to the bottom panel. This type of construction aids in the manufacture of the mattress by holding the innercore in place during the manufacturing process. (see paragraph [0019] of the specification). The innercore itself can be dimensioned so as to be held in place snugly by the sidewalls of the cavity, thereby obviating the need for coating the entire bottom panel of the cavity or the bottom surface of the innercore needs with an adhesive. (see paragraph [0032] of the specification). This lowers the manufacturing costs.

Barber discloses a cushion or mattress assembly which includes a cavity produced by joining side box sections and a bottom panel. An insulation piece is placed inside the cavity, and glue is applied to the top side of the insulation piece. A string of encased springs is then packed into the cavity opening. Barber states: "Glue or adhesive is applied at location 50 and 52, on the bottom surface of insulator 22 and the top surface of insulator 20 to maintain the relative position of springs 30 and assembly 18." (col. 2, lines 15-41).

Barber's string of encased springs or spring casing assembly 18 is situated in serpentine fashion and joined by an adhesive to the interior of the cavity. (col. 1, lines 35-39). Barber leaves no doubt that the entire surface of the top side of insulation piece 20 is coated with an adhesive. Barber therefore does not teach or suggest attaching the springs to the bottom surface

of insulator 22 (or the top surface of insulator 20) along only a portion of the cavity proximate to the perimeter sidewall, and leaving a remaining portion of the bottom surface unattached to the bottom panel, as recited in amended claims 14 and 16.

Gladney does not disclose attaching the innercore with an adhesive.

Since Barber and Gladney, taken either alone or in combination, do not disclose, teach or suggest the subject matter recited in amended claims 14 and 16, Applicant respectfully submits that these claims are patentable over the art of record. Claim 15 and 20-28, which depend from claim 14, and claims 17-19, which depend from claim 16, should then also be patentable at least for the same reasons that claims 14 and 16 are patentable.

Newly added claims 29-34 correspond substantially to claims 1-17 of application serial No. 10/686,019, filed on October 15, 2003, to which this application claims priority and the content thereof is incorporated herein by reference in its entirety. New claim 29 has been carefully drafted to distinguish over Fasanella (U.S. Patent No. 3,262,135) cited in the parent application and now more clearly recites that the perimeter sidewall is attached directly to the substantially rigid base platform, which is not taught or suggested by Fasanella.

In view of the above amendments, applicant believes the pending application is in condition for allowance.

We believe that we have appropriately provided for fees due in connection with this submission. However, if there are any other fees due in connection with the filing of this Response, please charge our Deposit Account No. 18-1945, under Order No. SMCY-P02-099 from which the undersigned is authorized to draw.

Dated: January 17, 2006

Respectfully submitted,

By 

Wolfgang H. Stuhls

Registration No.: 40,256

ROPES & GRAY LLP

One International Place

Boston, Massachusetts 02110-2624

(617) 951-7000

(617) 951-7050 (Fax)

Attorneys/Agents For Applicant